

Fire Protection

Adopted as Amend. 6-20-77; 3-7-88; 11-18-91

CHAPTER 7

FIRE PROTECTION¹

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¹ As to fire districts, see §§ 5-1, 5-2 of this Code. As to authority of fire department officials to direct traffic, see § 9-8. As to prohibition against interfering or tampering with fire apparatus, see § 10-11. As to prohibition against summoning fire-fighting apparatus without just cause, see § 10-65.

Vienna Town Code

Article 3. Fire Prevention Code

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Article 1. In General§ 7-1 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Approved Waste Burner. A burner or incinerator which shall be constructed of masonry, metal or other noncombustible material. Ventilator opening shall not be greater than one (1) inch, greatest dimension, unless baffled so as to prevent the discharge of live sparks.

Fire Marshal. The Town Fire Marshal

Public Building. Any building or structure, permanent or temporary, which is used or occupied or to be used or occupied, by ten (10) or more persons who are employed, lodged, housed, assembled, served, entertained or instructed therein, and, without limiting the foregoing, includes hotels, motels, schools and colleges, nursing or rest homes, hospitals of all kinds, asylums, mercantile establishments, office buildings, apartment houses, theaters, restaurants, auditoriums, stadiums, gymnasiums, armories, dance halls, factories, workshops, garages maintained for the purpose of servicing or repair of motor vehicles, lodges, meeting rooms, manufacturing and processing establishments and all other buildings and structures of same or similar character or of same or similar use, including buildings owned and occupied by the Town government, including any division or department of the government.

Sec. 7-2 Authority to Enter Premises

The Fire Marshall may, at all reasonable hours, enter any building or premises except one-family dwellings, for the purpose of making any inspection which under any provision of this Chapter is necessary.

Sec. 7-3 Dangerous Conditions to be Remedied

Whenever and wherever inspection shall disclose in any public building or upon any premises, combustible material or explosive matter or accumulation of rubbish, waste paper, boxes or other highly flammable materials which are so situated as to endanger property or which create or tend to create an undue fire hazard; or shall find obstructions to or on fire escapes, stairs, steps, passageways, exitways, doors or windows, likely to interfere with the operation of the fire department or which would impede or interfere with the egress of occupants in case of fire, the Fire Marshal shall order such dangerous conditions to be remedied or removed.

Sec. 7-4 Inspection of Manufacturing Processes, Sprinkler Systems, Etc.

The Fire Marshal shall inspect, as often as may be deemed necessary, all hazardous manufacturing processes, storage, installation, and handling of gases, chemicals, oils and other flammable materials, all interior fire alarm systems, standpipes and automatic sprinkler systems for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire, or any violation of any provision of this Chapter.

Sec. 7-5 Inspection of Public Buildings.

The Fire Marshal shall inspect, as often as may be deemed necessary, all public buildings and the premises of such buildings, except the interior of one-family dwellings, for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire, or any violation of any provision of this Chapter.

Sec. 7-6 Inspections Upon Complaints; Correction of Dangerous Conditions.

The Fire Marshal, upon complaint, shall inspect public buildings which, for want of repairs, lack of sufficient fire escapes or exits, or by reason of age or dilapidated condition, or from any other cause, are likely to be fire hazards, or to endanger occupants of such buildings, or which are so situated as to endanger other property or the occupants thereof. Whenever there shall be found in any such public buildings combustible or flammable materials or conditions dangerous to the safety of such public buildings or the occupants thereof, the Fire Marshal shall order such dangerous condition to be remedied or removed.

Sec. 7-7 Service of Orders Under Chapter.

The service of orders issued in pursuance of any provision of this Chapter may be made by the Fire Marshal upon the owner or occupant of the premises by delivering a copy thereof to such owner or occupant personally, or by delivering such copy to any person in charge of the premises. In case no such person is found on the premises, service may be made by affixing a copy of such order upon a conspicuous part of the property and by depositing an additional copy in a post office, addressed to such owner or occupant by registered mail at his last known address.

Sec. 7-8 Compliance with Orders Issued Under Chapter.

Any order issued pursuant to the provisions of this Chapter shall forthwith be complied with by the owner or occupant of such premises; provided that any such owner or occupant may within five (5) days from the date of service of such order, request a hearing before the Fire Appeals Board, which shall, within thirty (30) days from the filing date of such appeal, hold a hearing thereon and make its determinations, and unless by its authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in the order or within such period of time as may be allowed by the Fire Appeals Board.

Sec. 7-9 Prohibiting Smoking in Certain Buildings.

The Fire Marshal may, by order, prohibit smoking in any building or establishment where in his judgment smoking is likely to endanger life or property. Any order so issued shall require the owner or occupant to post suitable signs or placards in each room, building, structure or place in which such prohibition of smoking shall be enforced. All such signs shall read "By Order of the Fire Marshal."

Sec. 7-10 Inspection of Fire Hydrants.

The Town Manager shall establish a program for the annual inspection of fire hydrants.

Sec. 7-11 Penalty. (Amend. 3-7-88)

Any person, firm or corporation who shall violate any of the sections of this Chapter or any provisions of the Fire Prevention Code of the Town of Vienna adopted by § 7-19 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter, and shall, upon conviction, be punishable by imprisonment not to exceed twelve (12) months or by a fine not to exceed one thousand dollars (\$1,000.00), or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.

Sec. 7-12 Use of Fire Apparatus, Equipment, Etc., Within Town.

(a) It shall be unlawful for any person to operate or cause to be operated upon a public highway or street in the Town any vehicle or equipment used, intended to be used or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized fire fighting company.

(b) For the purpose of this section, a recognized fire fighting company shall be construed to mean one that has been recognized as such by resolution of the Town Council.

(c) This section shall not apply to the operation of fire fighting vehicles and equipment owned by any fire fighting company outside the Town when such vehicle or equipment is traveling in or through the Town for parade or other nonfire fighting purposes or in response to a call from the fire alarm headquarters.

Sec. 7-13 Damage or Injury to Fire Department Equipment or Personnel.

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department vehicle at any time, or to injure, or attempt to injure or conspire to injure fire department personnel while such personnel are in the performance of departmental duties.

Sec. 7-13.1 Unlawful Boarding or Tampering With Fire Department Vehicles.

It shall be unlawful for any person, without proper authorization from the fire department officer in charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any fire department vehicle, whether such vehicle is in motion or at rest or to sound any warning device thereon or to manipulate, tamper with, or destroy or attempt to manipulate, tamper with, or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing, or tool on or a part of such fire department vehicle.

Article 2. Fire Marshal

Sec. 7-14 Office Created; Appointment; Powers and Duties Generally; Compensation.

The office of the Town Fire Marshal is hereby created. The Town Council shall appoint a Fire Marshal whose powers and duties shall be set forth in this Chapter. He shall receive such annual salary as the Town Council may allow. Until such time as a Fire Marshal is appointed hereunder, the Fire Marshal of the County shall have authority to enforce provisions of this Chapter, such authority terminating upon the appointment of a Fire Marshal by the Council as provided herein.

Sec. 7-15 Oath of Office.

The Fire Marshal, before entering upon his duties, shall take an oath before any officer authorized to administer oaths, faithfully to discharge the duties of such office. The certificate of the oath, with the certificate of his appointment, shall be returned to and preserved by the Clerk of the Town.

Sec. 7-16 Qualifications

The person chosen to fill the office of Fire Marshal shall be of good moral character, shall possess such executive ability as is required for the performance of his duties in administering and enforcing the provision of this Chapter and shall have such other qualifications as the Town Council may require.

Sec. 7-16.1 Qualification to Participate in Activities of Volunteer Fire Department.

Any person sixteen (16) or seventeen (17) years of age, after first obtaining parental or guardian approval in writing may participate fully in all activities of a volunteer fire department in the Town of Vienna, provided such person has attained certification under National Fire Protection Association 1001, level one, fire fighter standards, as administered by the Department of Fire Programs. (New 3-7-83)

Sec. 7-17 Term of Office; Removal From Office.

The Fire Marshal shall not be appointed for a definite tenure, but shall be removable at the pleasure of the Town Council. In case the Town Council determines to remove the Town Fire Marshal, he shall be given, if he so demands, a written statement of the reasons alleged for the proposed removal and a right to a hearing thereon at a public meeting of the Town Council prior to the date on which his removal shall take effect, but pending and during such hearing,

the Town Council may suspend him from office; provided, that the period of suspension does not exceed thirty (30) days. The action of the Town Council in suspending or removing the Town Fire Marshal shall not be subject to review.

Article 3. Fire Prevention Code

Sec. 7-18 Definitions.

For the purposes of the Fire Prevention Code adopted by § 7-19, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Bureau of Fire Prevention. The office of the Town Fire Marshal.

Chief of the Bureau of Fire Prevention. The Town Fire Marshal.

Chief of the Fire Department. The Fire Marshal. Nothing in this paragraph shall be construed as extending authority or jurisdiction to the Fire Marshal in any respect whatsoever over the operation of the Fire Department.

Corporation Counsel. The Attorney for the Town.

Municipality. The Town of Vienna, Virginia.

Sec. 7-19 Enforcement of the Virginia Statewide and Town of Vienna Fire Prevention Codes. (Amend. 3-88)

The Town of Vienna shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the Town of Vienna, Virginia shall be enforced by the Town Fire Marshal, the Deputy Town Fire Marshal, and members of the Fire Marshal's staff. The Fire Marshal, the Deputy Fire Marshal, and members of the Fire Marshal's staff shall have all of the powers of the local fire official and the local arson investigator and the local fire marshal and his assistants set forth in Title 27 of the Code of Virginia, and all of the powers of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the Town of Vienna, Virginia.

Sec. 7-19.1 Town of Vienna Fire Prevention Code. (New 3-88)

The regulations set forth herein shall be known as the Fire Prevention Code of the Town of Vienna, Virginia and shall be herein referred to as such or as this Code.

Sec. 7-20 Adoption of Codes and Enforcement. Amend. 11-18-91 as follows:

The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax are adopted by the Town of Vienna and shall be enforced by the

County Fire Marshal and under the authority of the Fire Marshal's staff. The Fire Marshal, the Deputy Fire Marshal and the members of the Fire Marshal's staff shall have all the powers of the local fire official, the local arson investigator and the local Fire Marshal and his assistants as set forth in Title 27 in the Code of Virginia, and all the powers of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax.

Section 7-20 was amended on November 18, 1991. Code pages 136 through 143U were removed at time of amendment and reserved for future use.

